

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 05-616-B

In re Application of:)	
)	
Sang Won SON and Ju Hyun BAN)	Examiner: TBA
)	
International Application No.: PCT/KR04/01854)	Group Art Unit: TBA
U.S. Application No.: 10/561,351)	
)	Confirmation No.: 9656
International Filing Date: July 23, 2004)	
U.S. Filing Date: December 19, 2005)	
)	
For: Method for Automatically Setting A)	
Frequency of a Base Station in a)	
CDMA-2000 System)	

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.47(b) BY PERSON HAVING
PROPRIETARY INTEREST TO FILE APPLICATION ON BEHALF
OF INVENTOR WHO REFUSES TO COOPERATE**

Dear Sir:

Pursuant to 37 C.F.R. § 1.47(b), UTStarcom, Inc., the owner of *UTStarcom Korea Limited*, and the assignee in fact of the above-identified patent application, submits this Petition and respectfully requests the U.S. Patent Office to allow UTStarcom, Inc, to make the Application on behalf of inventor Sang Won SON, who has refused to cooperate in the prosecution of this case.

This Petition is being submitted with:

- (i) Signed Oath and Declaration of co-inventor Mr. Ju Hyun BAN; 00000125 10561351
- (ii) Declaration and Power of Attorney signed by Robert H. Irvine, III, a person 200.00 0P authorized by UTStarcom, Inc to sign on its behalf;
- (iii) Statement Establishing Proprietary Interest By Person Signing on Behalf of Nonsigning Inventor and Statement Under 37 C.F.R. § 3.73(b);

- (iv) Declaration in Support of Petition Under 37 CFR 1.47(b) By Person Having Proprietary Interest to File Application on Behalf of Inventor, signed by Joo-Young Kim;
- (v) Memorandum of Law in Support of Petition Under 37 CFR 1.47(b) By Person Having Proprietary Interest to File Application on Behalf of Inventor, including exhibits, signed by Joo-Young Kim; and
- (vi) Declaration in Support of Petition Under 37 CFR 1.47(b) By Person Having Proprietary Interest to File Application on Behalf of a Nonsigning Inventor, including exhibits, signed by Jiwon Lim.
- (vii) Supplemental Declaration in Support of Petition Under 37 CFR 1.47(b) By Person Having Proprietary Interest to File Application on Behalf of a Nonsigning Inventor, including exhibits, signed by Joo-Young Kim.

The last known address of Mr. Sang Won SON, who is a citizen of Korea, is:

#203
94-2 Sanbon 1-dong
Gunpo-si, Gyeonggi-do 435-838
Republic of Korea

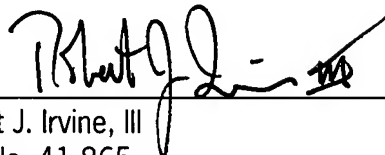
UTStarcom, Inc. respectfully submits that it has been unable to obtain Mr. SON's cooperation. Every attempt to obtain Mr. SON's signature has been unsuccessful. As evidenced by the accompanying declaration of Jiwon Lim, continuous and diligent efforts have been made to obtain Mr. SON's signature on declarations for this case. Based on such diligent efforts to obtain Mr. SON's signature on the declaration for this case, we believe that the requirements of 37 C.F.R. § 1.47(b) and MPEP § 409.03 have been met.

Filing of the application without Oath or Declaration executed by Sang Won SON is necessary to preserve the rights of Applicant UTStarcom, Inc. Applicant UTStarcom, Inc. will suffer irreparable harm if not allowed to apply for a patent for the above-referenced Application because the United States Patent and Trademark Office will hold the present Application abandoned if it is without an executed Oath or Declaration.

This Petition is being submitted with the fee set forth in 37 C.F.R. § 1.17(g), which is currently set at \$ 200.00.

Respectfully submitted,

Date: April 10, 2007



Robert J. Irvine, III
Reg. No. 41,865
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, Ste. 3100
Chicago, IL 60606
Tel: 312 913 – 0001
Fax: 312 913 – 0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 05-616-B

In re Application of:)	
)	
Sang Won SON and Ju Hyun BAN)	Examiner: TBA
)	
International Application No.: PCT/KR04/01854)	Group Art Unit: TBA
U.S. Application No.: 10/561,351)	
)	Confirmation No.: 9656
International Filing Date: July 23, 2004)	
U.S. Filing Date: December 19, 2005)	
)	
For: Method for Automatically Setting A)	
Frequency of a Base Station in a)	
CDMA-2000 System)	

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY
 PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR
 AND STATEMENT UNDER 37 C.F.R. § 3.73(B)**


UTStarcom, Inc. has a sole proprietary interest in the present application. The invention, entitled "Method for Automatically Setting A Frequency of a Base Station in a CDMA-2000 System," was originally assigned by the inventor to Hyundai Syscomm on November 29, 2002, as part of Hyundai Syscomm's employee invention compensation policy, and was filed as Korean National Application Number 2003-0051154 (Exhibit A). On April 27, 2004, UTStarcom, Inc., through its wholly owned subsidiary in Korea, UTStarcom Korea Limited, acquired Hyundai Syscomm's Intellectual Property Portfolio, including the rights to the above-referenced application, corresponding to Korean National Application Number 2003-0051154 (Exhibit B, page 45 of 46, entry number 1284).

I establish this proprietary interest by attaching a copy of the assignment of this invention by co-inventor Ju Hyun Ban to UTStarcom Korea Limited as recorded with the U.S. Patent Office in reel number 018990, frame number 0201 (Exhibit A), a copy of the assignment of this invention by the non-signing-inventor to Hyundai Syscomm, Inc. as recorded with the U.S. Patent and Trademark Office in reel number 018990, frame number 0119 (Exhibit B), and a copy of the assignment of this invention by Hyundai Syscomm, Inc. to UTStarcom Korea Limited as recorded in reel number 018990, frame number 0136 with the U.S. Patent and Trademark Office (Exhibit B). Further, a declaration and memorandum of law prepared by Joo-Young Kim of Kim & Chang in Korea sufficiently demonstrates UTStarcom's ownership of the present application in the absence of an inventor's assignment. As such, UTStarcom, Inc. is presently the assignee and owner of the rights to the above-referenced application.

This STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR is made by Robert J. Irvine, III, a person authorized to act on behalf assignee UTStarcom, Inc.

Respectfully submitted,

Date: April 10, 2007


Robert J. Irvine, III
Registration No. 41,865
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, Ste. 3100
Chicago, IL 60606
Tel: 312 913 0001
Fax: 312 913 0002